

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

PHILLIP WAYNE ELLINGTON II,)
)
Plaintiff,)
)
vs.)
)
SPARTAN TECHNOLOGIES, INC.)
)
and RICHARD V. CLEMENTS,)
)
JR.,)
)
Defendants.)
)

CIVIL ACTION NO.
1:10-cv-1863-TCB

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta
JAN - 6 2011
By: JAMES N. HARTEN, Clerk
Deputy Clerk

**ORDER APPROVING SETTLEMENT
AND DISMISSING CASE WITH PREJUDICE**

This case involves claims under the Fair Labor Standards Act, 29 U.S.C § 201 *et seq.*, and Georgia common law for Defendant Spartan Technologies, Inc.'s ("Spartan") and Richard V. Clements, Jr.'s ("Clements") alleged failure to properly compensate Plaintiff Phillip Wayne Ellington II ("Plaintiff") for working time, overtime work and expenses during a period of time in which Plaintiff alleges he was employed with Spartan. This matter is before the Court upon the Joint Motion for Approval of Settlement Agreement And For Order Of Dismissal With Prejudice ("Joint Motion") of the parties for the approval of their compromise and settlement of this action.

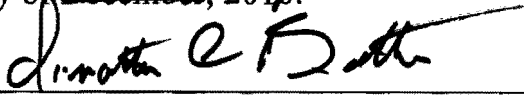
The Court acknowledges that this Order is a judicial approval of a reasonable compromise, not a finding, conclusion, or reflection of any admission

of a violation of the Fair Labor Standards Act, willful, intentional, or otherwise. The Court has reviewed the parties' Joint Motion and the draft Settlement Agreement submitted under seal. The Court is further aware of formal and informal discovery. The Court is of the opinion that there are *bona fide* disputes over application of the relevant provisions of the Fair Labor Standards Act, 29 U.S.C. § 201 *et. seq.*, specifically, proper eligibility and compensation for working hours and minimum wage and overtime compensation. In light of these legitimate disputes, the Court is of the opinion that the parties' settlement reflects a fair and reasonable resolution of these *bona fide* disputes. Consequently, the court ORDERS as follows:

1. The Court GRANTS the parties' Joint Motion.
2. The Court APPROVES the form of the Settlement Agreement and directs that the proposed Settlement Agreement be retained "under seal" to protect the parties' confidentiality concerns.
3. The Court APPROVES the monetary distribution as to Plaintiff and Plaintiff's counsel as described in the Settlement Agreements and ORDERS Defendant to make payments accordingly.
4. This case is hereby DISMISSED WITH PREJUDICE with each party to bear its own expenses and attorneys' fees as provided in the Settlement Agreement.

5. The Court RETAINS JURISDICTION over this matter for the purposes of enforcing the terms of the Parties' Settlement Agreement.

DONE and ORDERED this 6th day of ~~December~~^{January}, 201~~0~~¹.



Timothy C. Batten
UNITED STATES DISTRICT JUDGE